

IN RE: PETITION FOR ZONING VARIANCE
E/S Beachwood Avenue, 15' S
of the c/l of Oak Avenue
(1711 Beachwood Avenue)
15th Election District
5th Councilmanic District
Richard Sennett, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located outside the required one-third of the lot farthest removed from any street, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

tants. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner.

er; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evi-

dence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of September, 1988 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located outside the required one-third of the lot farthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 5, 1988, attached hereto and made a part hereof.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1. To permit an accessory building (swimming pool) outside the required third of the lot farthest removed from any street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Pool cannot be located in the 50% corner setback
Due to septic system location

ertised as prescribed by Zoning Regulations.

above Variance advertising, posting, etc., upon filing of this to be bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Richard Sennett
(Type or Print Name)
Richard Sennett
(Signature)
Richard Sennett
(Type or Print Name)
Richard Sennett
(Signature)

1711 Beachwood Ave. 391-5486
Address Phone No.
Essex, Md. 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Richard Sennett
1711 Beachwood Ave. 391-5486
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of Sept, 1988, at 3 o'clock P.M.

ESTIMATED LENGTH OF HEARING 1/2 HR.
AVAILABLE FOR HEARING 1/2 HR.
ALL MON./TUE./WED. - NEXT TWO MONTHS
REVIEWED BY: JNL DATE: 7/7/88

J. Robert Haines
Zoning Commissioner of Baltimore County

Beginning on the east side of Beachwood Avenue, 30 feet wide, at the distance of 15 feet south of the centerline of Oak Avenue, also being the southwest corner of Beachwood and Oak Avenue, Lots, 68, 69, and 70 in the subdivision of Evergreen Park. Book No. 7, Folio 174, known as 1711 Beachwood Avenue in the 15th Election District.

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 3:00 p.m.
Case Number: 88-98-A
E/S Beachwood Avenue, 15' S c/l Oak Avenue
(1711 Beachwood Avenue)
15th Election District - 5th Councilmanic District
Petitioner(s): Richard Sennett, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 14, 1988 at 3:00 p.m.
Variance to permit an accessory building (swimming pool) outside the required third of the lot farthest removed from any street.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County

The Times
Middle River, Md., Aug 18 1988
This is to Certify, That the annexed # Regm 18877 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 1 successive weeks before the 18th day of Aug 1988.
J. Robert Haines
Publisher.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., August 18, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 18, 1988.

THE JEFFERSONIAN,
S. Zeke Orlov
Publisher

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J. Robert Haines
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 15th
Posted for: Veronica
Petitioner: Richard Sennett et ux
Location of property: E/S Beachwood Ave. 15' S c/l Oak Ave.
Location of Sign: 1711 Beachwood Ave. 15th Election District
Remarks: On property of 1711 Beachwood Ave.
Posted by: J. Robert Haines
Number of Signs: 1
Date of return: 9/1/88

BAITMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 9/14/88 ACCOUNT: R-11-615-600
AMOUNT: \$ 76.01
RECEIVED: Richard Sennett
FOR: Peter V. Sennett 9/14/88
B 8145*****7601: 89-98-A

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

July 22, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

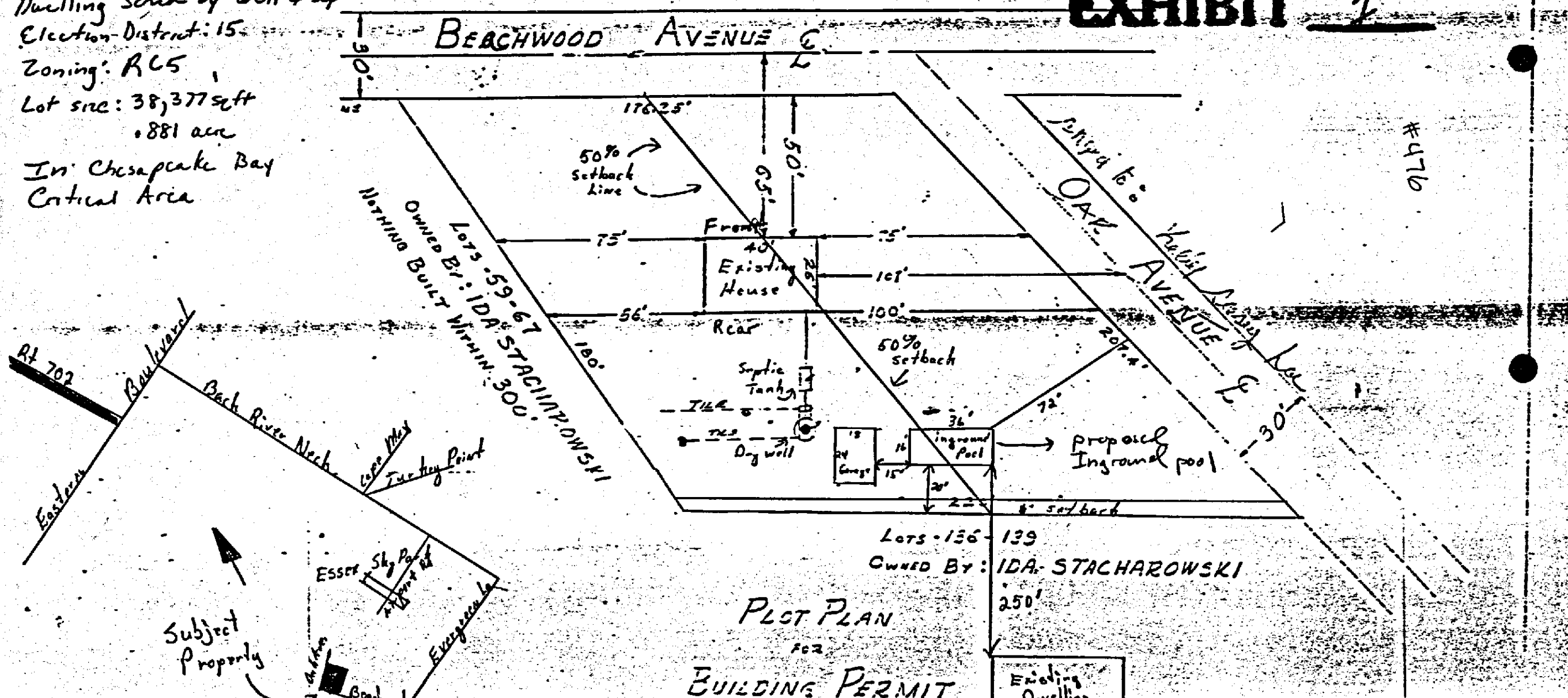
Petition for Zoning Variance
CASE NUMBER: 89-98-A
1711 Beachwood Avenue, 15' S of Oak Avenue
(1711 Beachwood Avenue)
15th Election District - 5th Councilmanic
Petitioner(s): Richard Sennett, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 14, 1988 at 3:00 p.m.

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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Sennett
File

Plat For Zoning Variance
Owner: Richard Sennett
Lot Numbers 68-69-70
Plat Reference Book 7 page 174
Subdivision: Evergreen Park
Scale: 1"=40'
Dwelling Served by Well & Septic
Election District: 15
Zoning: R65
Lot size: 38,377 sq ft
0.881 ac
In: Chesapeake Bay
Critical Area



89-98-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
20th day of July, 1988.

J. Robert Haines
Zoning Commissioner
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee
Petitioner: Richard Sennett, et ux
Attorney

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

July 26, 1988

Re: Property Owner: Richard Sennett, et ux

Location: E/S Beachwood Avenue, 15' S of Oak Avenue

Lot No.: 476

Zoning Agenda: Meeting of 7/19/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: J. H. Reincke
Planning/Code
Special Inspection Division

Noted and
Approved: J. H. Reincke
Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 1, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Richard Sennett
1711 Beachwood Avenue
Essex, MD 21221

RE: Item No. 476, Case No. 89-98-A
Petitioner: Richard Sennett, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Sennett:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:scj

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Suite 405
Towson, Maryland 21204
494-3354

August 5, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 475, 476, 482, 487, 1, 2, 3, 4, 7, 8, 9 and 10.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEM/RP/lab

RECEIVED
AUG 15 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petition 89-94-A, 89-95-A, 89-96-A, 89-97-A, 89-98-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 27 1988
ZONING OFFICE

CPS-008

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: August 5, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Sennett Property - 1711 Beechwood Avenue
Zoning Variance

RECEIVED
AUG 9 1988

ZONING OFFICE

Subject property is located at 1711 Beechwood Avenue in Evergreen Park, Baltimore County. The applicant has requested a variance on required setbacks for an inground pool. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. <COMAR 14.15.10(0)(1)(2)(3)>

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1. One major deciduous tree or two conifers planted and maintained on the lot. A combination of these tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

Mr. J. Robert Haines
July 28, 1988
Page 2

Upon compliance with the above recommendations, this project is approved. Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

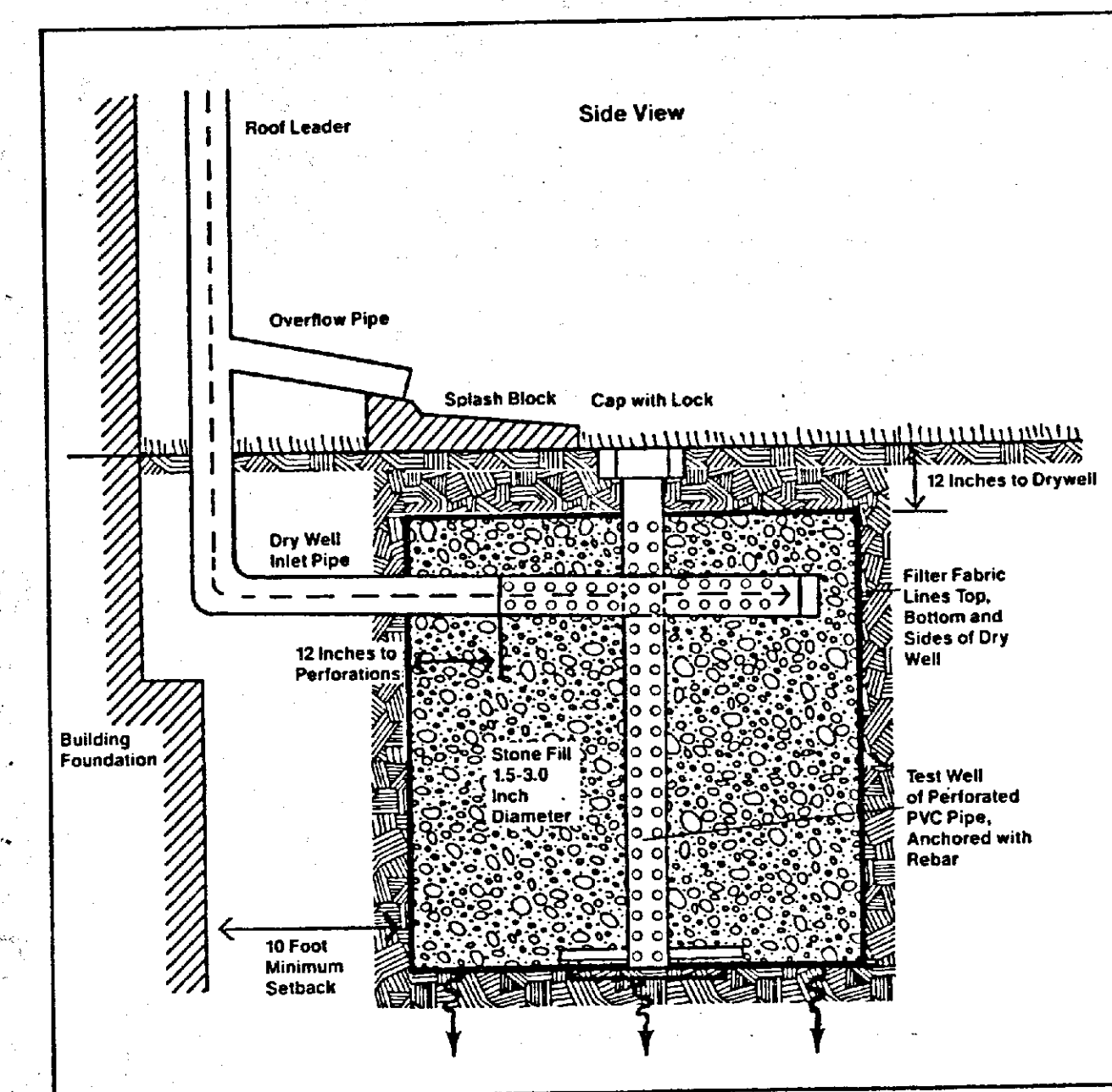
RWS:DCF:tjg

Attachment

DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1986)



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

September 21, 1988

Mr. & Mrs. Richard Sennett
1711 Beachwood Avenue
Essex, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
E/S Beachwood Avenue, 15' S of the c/l of Oak Avenue
(1711 Beachwood Avenue)
15th Election District - 5th Councilmanic District
Richard Sennett, et ux - Petitioners
Case No. 89-98-A

Dear Mr. & Mrs. Sennett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
Tawes State Office Building
Annapolis, Maryland 21404

People's Counsel

File

Dennis F. Rasmussen
County Executive